

PLANNED DEVELOPMENT PERMIT

FILE NO. PD15-046

LOCATION OF PROPERTY Southwest Corner of Technology Drive and Skyport Drive

ZONING DISTRICT A(PD) Planned Development

GENERAL PLAN DESIGNATION Industrial Park

PROPOSED USE Planned Development Permit to allow the construction of a 152,918 square foot, four story medical office building on a 9.1 gross acre site

ENVIRONMENTAL STATUS Determination of Consistency with the Final EIR entitle "Spieker Properties/Skyport Rezoning Project" Resolution No. 69421

OWNER Kaiser Foundation Health Plan
One Kaiser Plaza, 15L
Oakland, CA 94612

APPLICANT Kaiser Foundation Health Plan, Inc.
284 Hospital Parkway, Building K
San Jose, CA 95119

FACTS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts regarding this proposed project:

- 1. Site Description and Surrounding Uses.** The subject vacant 9.0-acre site is immediately bounded by Skyport Drive to the north, State Route 87 (Guadalupe Freeway) to the west, an undeveloped parcel to the south, and Technology Drive and various commercial uses to the east. The larger 38.13 gross acre site is surrounded by a single family neighborhood to the south, industrial office/research and development buildings to the north, the San Jose International Airport to the west, and commercial office use, an extended-stay hotel and multifamily residential development to the east.
- 2. Project Description.** This is a Planned Development Permit to allow the construction of a 152,918-square foot medical office building on a 9.0 gross acre site. The building is 65'-6" inches tall, which includes the height of the mechanical screen. There will be 753 parking spaces. The subject site is part of a larger 38.13 acre site that is currently zoned to allow up to 1,450,000 gross square feet of office use, 32,000 square feet of retail use, 700 hotel rooms (300 of which have been built), 14,000 square feet of athletic club/retail/office flex space, and 315 residential units (which have been constructed).
- 3. General Plan.** The project's land use/transportation diagram designation is Industrial Park. This land use designation is intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing, and offices.

4. **General Development Plan Conformance.** The proposed project conforms to the approved General Development Plan of the Planned Development Zoning (File No. PDC13-041).
 - a. **Use.** Office use is permitted by right.
 - b. **Setbacks.** Per the Development Standards, for buildings along Skyport Drive, west of Technology Drive, the setback is 37 feet, with a 15 foot front yard and a 12 foot ped/bicycle path and a 10 foot park strip. The proposed building is set back 41 feet, has a 41 foot front yard, with a 12 foot ped/bike path and 10 foot park strip.
 - c. **Height.** The maximum height in the Development standards is 120 feet. The proposed building is 65'-6''.
 - d. **Parking.** Parking is required at a ratio of one parking space per 350 net square feet of floor area. Based on a total square footage of 146,803 net square feet, 420 parking spaces are required. A total of 753 parking spaces are provided.
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
 - a. A Determination of Consistency was made to find project conformance with the Final Program EIR for the North San Jose Development Policies Update, Resolution No. 72768; the Final EIR for the Spieker/Skyport Project, Resolution No. 69421; and the Final Program EIR for the Envision San Jose 2040 General Plan as supplemented, Resolution Nos. 76041 and 77617. These documents were prepared under the provisions of the environmental review requirements of Title 21 of the San Jose Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines that either substantial changes are proposed to the project which will require major revisions to the previous EIR, substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR, or new information of substantial importance is available. The Director has determined that this Planned Development Permit would not result in any new significant impacts, impacts that are cumulatively considerable, or will directly or indirectly cause substantial adverse effects on human beings beyond those disclosed and evaluated in the Final EIRs and Addendum.

FINDINGS

The Director of Planning, Building and Code Enforcement concludes and finds, based on the analysis of the above facts with respect to the Planned Development Permit findings (Section 20.100.940), that:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan and is consistent with the site's Envision San Jose 2040 General Plan Land Use / Transportation Diagram designation of Industrial Park in that the subject permit will facilitate the development of the site with industrial uses.
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property in that the project meets the use, height, setback, and parking requirements of the approved zoning.

3. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious in that the design of the buildings is consistent with the adjacent industrial offices and existing commercial uses neighboring the site.
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties. A Determination of Consistency was made to find project conformance with the Final Program EIR for the North San Jose Development Policies Update, Resolution No. 72768; the Final EIR for the Spieker/Skyport Project, Resolution No. 69421; and the Final Program EIR for the Envision San Jose 2040 General Plan, Resolution 76041, and an Addendum to said EIRs.

The Director of Planning, Building, and Code Enforcement concludes and finds, based on the analysis of the above facts with respect to the Live Tree Removal findings (Section 13.32.100), that:

1. The location of the trees with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.
 - a. The ordinance-sized trees are located in areas that are either slated for the new building, circulation, or new open space areas. The removal of these trees is necessary so that the proposed project can be built. The project requires 204 replacement trees, which is included in the following conditions:
 - b. Pursuant to Section 13.32.080 of the Municipal Code, the request for a Tree Removal Permit may be included as part of an application for a Development Permit under the provisions of Title 20 of this Municipal Code. The Development Permit may serve as the Tree Removal Permit and be processed under the application, noticing, hearing and appeal provisions applicable to the Development Permit application, and no separate permit shall be required, so long as all of the substantive provisions and permit processing requirements of this Chapter 13.32 are met as a part of processing that Development Permit.

In accordance with the findings set forth above, a Planned Development Permit for said purposes specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.

2. **Permit Expiration.** This Permit shall automatically expire two years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Grading Permit for site improvements contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Generators.** This permit does not include the approval of any generators.
6. **Conformance to Plans.** The development of the site shall conform to the approved Planned Development Permit plans entitled, "Kaiser San Jose-Skyport Medical Office Building" dated February 25, 2016, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **FAA Clearance.** In compliance with federal regulations, the permittee shall obtain from the Federal Aviation Administration (FAA) a "Determination of No Hazard to Air Navigation" prior to City issuance of a Building Permit for construction. The permittee shall initiate the FAA review process via filing of a Notice of Proposed Construction or Alteration (FAA Form 7460-1) for the northwest corner high point of the structure. The technical data on the FAA forms shall be prepared by a licensed civil engineer or surveyor using location coordinates (latitude/longitude) in NAD83 datum out to hundredths of seconds and elevations in NAVD88 datum rounded off to next highest foot.
 - a. Any conditions set forth in the FAA determination requiring physical alterations to the final design of the project, such as roof-top lighting or marking, shall be incorporated into the project through a PD Permit Adjustment prior to City issuance of a Building Permit for construction.

- b. Any conditions set for in the FAA determination requiring filing of a Notice of Actual Construction or Alteration (FAA Form 7460-2) shall be completed prior to City issuance of a Certificate of Occupancy.
9. **Avigation Easement.** Prior to issuance of a Building Permit for construction, the property owner shall grant an avigation easement to the City setting forth acceptance of elevation limits and aircraft noise impacts. Contact Cary Greene, Airport Planner, at 408-392-3623 or cgreene@sjc.org to initiate the easement dedication process.
10. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
12. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
13. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
14. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment.
15. **Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all elements of the site such as paving, lighting and landscaping.
16. **Reclaimed Water.** The project shall conform to Chapter 15.10 and 15.11 of the San José Municipal Code. The Code addresses the use of reclaimed water including the requirement that an irrigation system be designed to allow for the current and future use of reclaimed water for all landscaped cumulative areas in excess of ten thousand (10,000) square feet.
17. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.
 - a. *Construction Agreement:* The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
 - b. *Transportation:*
 - i. This project was approved under the Spieker Properties/Skyport Rezoning Project FEIR, which approved 1.5 million square feet of non-residential development and 240 residential units on an approximate 40 acre site and included traffic mitigation which has been built.

- ii. This PD permit for 270,800 square feet of office is covered under the above mentioned EIR. Therefore no further environmental review is required.
- iii. A traffic operations analysis has been performed for this project based on 366 AM and 547 PM peak hour trips. Based on this report, a signal modification at the intersection of Skyport Drive/Technology Drive has been identified along with the following project conditions:
 - 1) Provide two left-turn lanes and a shared through/right at the north-bound approach of Skyport Drive/Technology Drive.
 - 2) Remove pedestrian islands at both the south-west and south-east corners of the intersection at Skyport Drive/Technology Drive.
 - 3) Remove on-street parking on Technology Drive and restore the roadway to two lanes in each travel direction.
 - 4) Provide a TDM plan to encourage transit use and reduce single vehicle traffic.
 - 5) Pay the North San Jose Deficiency Plan fee of \$362 per each PM peak hour trip.
- c. *Grading/Geology:*
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.
 - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
 - iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
 - iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
 - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.

- d. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - iii. A design of the pervious pavement by a Licensed Geotechnical Engineer shall be submitted prior to the issuance of a Public Works Clearance.
- e. *Stormwater Peak Flow Control Measures:* The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- f. *Flood: Zone X:* The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
- g. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. *Assessments:* This project is located within Maintenance District 21 (Gateway Place - Airport Parkway), which maintains the enhanced landscaped median islands on Airport Parkway, Metro Drive, and Skyport Drive within the boundaries of the district. Benefitting properties within the district pay for the maintenance through annual assessments placed on the County property tax bills, which are adjusted annually by the Consumer Price Index. The 2015-16 assessment for Assessor's Parcel No. 230-29-115 is \$4,340.96, which is calculated at approximately \$531 per acre minus any credits. Future year assessment will continue to be collected through the County property tax bills listed under Tax Code 924 "S J MAINT DIST #21". Any questions may be directed to Thomas Borden at (408) 535-6831.
- i. *Street Improvements:*
 - i. Construct 22 foot partial street section along Skyport Drive frontage to include curb, gutter, 10 foot landscaped parkstrip with street trees and 12 foot sidewalk (see exhibits A and B).
 - ii. Remove right-turn lane at the eastbound approach of the Skyport Drive/Technology Drive intersection.
 - iii. Provide two left-turn lanes and a shared through/right at the northbound approach of the Skyport Drive/Technology Drive intersection.
 - iv. Remove pedestrian islands at both the southwest and southeast corners of the intersection at Skyport Drive/Technology Drive and reconstruct curb line (see exhibits A and B).

- v. Remove on-street parking on Technology Drive and restore the roadway to two lanes in each travel direction.
 - vi. Construct minimum 4-foot meandering public sidewalk along the Technology Drive frontage which aligns with the attached sidewalk at both driveway locations.
 - vii. Construct curb ramps at the southwest and southeast corners of Skyport Drive/Technology Drive to current ADA and City standards.
 - viii. Close unused driveway cut(s).
 - ix. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - x. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
 - xi. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - j. *Sanitary*: The existing sanitary sewer system along the project frontage is identified to be deficient per the General Plan 2040 anticipated build-out flow. The applicant shall select one of the following alternatives:
 - i. Upsize the existing 8 inch sanitary sewer line to 15 inch on Technology Drive from approximately 440 feet south of Metro Drive to Airport Parkway. The applicant shall be reimbursed 93% of the actual construction costs.
 - ii. Provide a 7% fair share contribution based on a City provided master plan level estimate towards a future sanitary sewer upsizing project.
 - k. *Easements*: Provide a public sidewalk easement for the full width of the meandering sidewalk on Technology Drive.
 - l. *Electrical*: Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
 - m. *Street Trees*: The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along Skyport Drive project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
 - n. *Referrals*: This project should be referred to the Valley Transportation Authority (VTA).
18. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or

- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

APPROVED and issued on this **20th day of April, 2016.**

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy

DRAFT

CITY OF SAN JOSÉ
DETERMINATION OF CONSISTENCY WITH THE SPIEKER/SKYPORT
PROJECT FINAL ENVIRONMENTAL IMPACT REPORT, THE NORTH
SAN JOSE DEVELOPMENT POLICIES UPDATE FINAL PROGRAM
ENVIRONMENTAL IMPACT REPORT, AND THE ENVISION SAN
JOSE 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT
REPORT, AS SUPPLEMENTED

Pursuant to Section 15162 of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Reports (EIRs) identified below and does not involve new significant effects beyond those analyzed in the Final EIRs. Therefore, the City of San José can take action on the project as being within the scope of the Final EIRs.

PROJECT DESCRIPTION AND LOCATION: PD15-046 – Skyport Kaiser. Planned Development Permit to allow the construction of an approximately 153,000 square foot, four story medical office building on a 9.1 gross acre site. **Location:** Southwest Corner of Technology Drive and Skyport Drive, at 1717 – 1725 Technology Drive (APN 230-29-115).

The environmental impacts of this project were addressed by the following EIRs: the “Spieker/Skyport Project Final Environmental Impact Report,” with findings adopted by City Council Resolution No. 69421 on February 29, 2000; the “North San Jose Development Policies Update Final Program Environmental Impact Report,” with findings adopted by City Council Resolution No. 72768, on June 21, 2005; the “Envision San Jose 2040 General Plan Final Environmental Impact Report,” with findings adopted by City Council Resolution 76041 on November 1, 2011; and the “Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report,” with findings adopted by City Council Resolution 77617 on December 15, 2015. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR, as supplemented:

Cultural Resources	Air Quality	Geology & Seismicity
Aesthetics	Air Safety	Energy Supply & Natural Resources
Noise	Biological Resources	Transportation & Circulation
Public Services and	Hazardous Materials	Hydrology & Water Quality
Utilities	Land Use	Greenhouse Gas Emissions

ANALYSIS

Background

The Spieker/Skyport Project Final Environmental Impact Report (Spieker/Skyport EIR) analyzed future development on an 38.13 acre site covered by the Spieker/Skyport Planned Development

rezoning (File no. PDC99-060), which includes the project site. Development approved under this rezoning included 1,100,000 gross square feet of office use, 32,000 square feet of retail use plus an additional 14,000 square feet of athletic club/retail/office flex space, up to 700 hotel rooms, and 315 residential units. The Spieker/Skyport EIR identified significant operational impacts to traffic Level of Service at Skyport Drive and Technology Drive, seismic hazards, regional criteria air pollutants, and impacts to eleven freeway segments on US 101 and Highway 880. The EIR also identified significant temporary impacts due to construction activity related to biological resources, cultural resources, noise exposure to nearby residents, hazardous materials, air pollution, and water quality. Traffic improvements required as mitigation under the Spieker/Skyport EIR (the addition of a second northbound left turn lane on Skyport Drive) were constructed.

Since City Council certified the Spieker/Skyport EIR and approved the rezoning on February 29, 2000, all of the residential capacity and a portion of the approved office, retail, and hotel development capacity has been built (see Table 1). In addition, two Planned Development Permits have been approved for about 555,000 square feet of office and 3,000 square feet of retail development on the project site (PD03-034 and PD08-030). However, both of these Planned Development Permits have since expired.

Table 1: Spieker/Skyport Project Buildout – Approved and/or Built*				
Approval Date (File No.)	Office (sq. ft.)	Retail (sq. ft.)	Hotel (rooms)	Residential (units)
2/9/2000 (PD00-018)	555,000	43,000	--	--
11/9/2001 (PD01-0118)	--	--	--	315
6/23/2008 (PDC08-037)	--	--	322**	--
9/26/2013 (PDC13-041)	350,000***	--	400***	--
<p>* Does not include two approved Planned Development Permits for office development on western portion of the site that have since expired due to inactivity.</p> <p>**Original Spieker/Skyport zoning allowed 300 hotel rooms, but PDC08-037 increased number of allowed hotel rooms to 322.</p> <p>***Rezoning allows the 400 hotel rooms approved under Spieker/Skyport zoning to be substituted with 350,000 sq. ft. of office at the SW corner of the site. Either 400 hotel rooms or 350,000 sq. ft. of office is allowed, but not both.</p>				

Project Consistency with Previously Certified EIRs

The proposed Planned Development permit is for the construction of a 153,000 square foot medical office building with surface parking. The size of the medical office building is within the 555,000 square feet of remaining office capacity evaluated for the project site in the Spieker/Skyport EIR, and is therefore consistent with the certified EIR because:

- The size of the development is within the size and type of development evaluated in the original EIR.
- Mitigation for traffic impacts identified to the intersection of Technology Drive and Skyport Drive has been constructed.
- Construction and operational mitigation measures identified in the original Spieker/Skyport EIR will continue to apply to the project. These include measures for construction period air quality and noise impacts, pre-construction surveys for burrowing owls and nesting migratory birds, and the implementation of a Transportation Demand Management (TDM) plan to reduce project contribution to regional criteria air pollutants.

Vehicle trips assumed with buildout of the Spieker/Skyport rezoning, including those from the proposed office development, have been incorporated into the subsequent traffic analysis for the North San Jose Development Policies Update Final Program Environmental Impact Report (NSJ

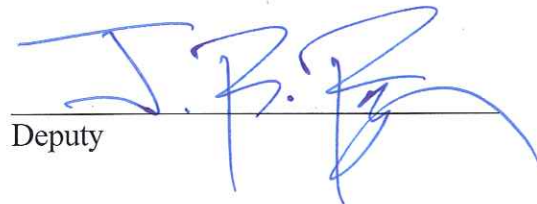
EIR). Consistent with the NSJ EIR, the project will be required to pay a North San Jose Deficiency Plan traffic fee based on the number of evening peak hour trips in order to pay for regional transportation improvements.

Finally, the project's contribution to cumulative greenhouse gas emissions will be consistent with the analysis in the Envision San Jose 2040 General Plan Final Environmental Impact Report, as supplemented. This is because all development approved in the Spieker/Skyport rezoning was considered part of 2008 baseline citywide greenhouse gas emissions in the analysis prepared for the Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report and the proposed land uses will remain consistent with the project site's General Plan Land Use/Transportation Diagram designation of Industrial Park.

David Keyon
Project Manager

4-13-16
Date

Harry Freitas, Director
Planning, Building and Code Enforcement


Deputy

DK/04-13-16